

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

FOR COURT USE ONLY

☐ Individual appearing without attorney
☒ Attorney for: Chapter 7 Trustee Wesley H. Avery

In re:
KENNETH C. CHEW,

NOTICE OF SALE OF ESTATE PROPERTY

Debtor(s).

Sale Date: 12/19/2019

Time: 2:00 pm

Location: United States Bankruptcy Court, Courtroom 1375, 255 E. Temple Street, Los Angeles, California 90012

Last date to file objections: 12/05/2019

Description of property to be sold: All of the Estate's right, title and interest in the real property located at 20635 Appaloosa Trail, Crosby, Texas 77532-3258.

Terms and conditions of sale: Subject to overbid. Earnest money deposit of \$10,700 required. Sale is "as is" "where is," with no warranties or guaranties of any kind. Sale is subject to Bankruptcy Court approval. Other terms and conditions apply; see the attached notice of hearing on the motion. The motion is on file with the Clerk of Court.

Proposed sale price: \$ 70,000.00

Overbid procedure (if any): Overbid increments: \$10,000.00 initial / \$5,000.00 thereafter. \$10,700.00 earnest money deposit.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Sale Date: December 19, 2019, 2:00 p.m.

Location

United States Bankruptcy Court

Central District of California, Los Angeles Division

255 E. Temple Street, Courtroom 1375

Los Angeles, CA 90012

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Miranda Gilbert

JLA Realty

5332 FM 1960 East, Suite C

Humble, TX 77346

(713) 489-8130

agentmkg@gmail.com

Date: 11/20/2019

David M. Goodrich, State Bar No. 208675
dgoodrich@wglp.com

WEILAND GOLDEN GOODRICH LLP

650 Town Center Drive, Suite 600

Costa Mesa, California 92626

Telephone: (714) 966-1000

Facsimile: (714) 966-1002

Attorneys for Chapter 7 Trustee
Wesley H. Avery

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

KENNETH C. CHEW,

Debtor.

Case No. 2:19-bk-12951 WB

Chapter 7

**NOTICE OF HEARING ON MOTION FOR
ORDER:**

- (1) AUTHORIZING SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS, AND INTERESTS PURSUANT TO 11 U.S.C. §§ 363(b) AND (f);
- (2) APPROVING OVERBID PROCEDURES;
- (3) APPROVING BUYER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER AS GOOD-FAITH PURCHASER PURSUANT TO 11 U.S.C. § 363(m); AND
- (4) AUTHORIZING PAYMENT OF UNDISPUTED LIENS, REAL ESTATE BROKER'S COMMISSIONS AND OTHER ORDINARY COSTS OF SALE

[20635 Appaloosa Trail, Crosby, Texas
77532-3258]

DATE: December 19, 2019
TIME: 2:00 p.m.
PLACE: Courtroom 1375
255 E. Temple St.
Los Angeles, CA 90012

1 TO THE OFFICE OF THE UNITED STATES TRUSTEE; THE DEBTOR; THE
2 DEBTOR'S COUNSEL; AND ALL OTHER INTERESTED PARTIES AND POTENTIAL
3 BUYER(S):

4 PLEASE TAKE NOTICE that on December 19, 2019 at 2:00 p.m., or as soon
5 thereafter as the matter may be heard, the Court will conduct a hearing ("Hearing") in the
6 above-captioned Court on *Motion for Order: (1) Authorizing Sale of Real Property Free*
7 *and Clear of Liens, Claims, and Interests Pursuant to 11 U.S.C. §§ 363(b) and (f);*
8 *(2) Approving Overbid Procedures; (3) Approving Buyer, Successful Bidder, and Back-up*
9 *Bidder as Good-Faith Purchaser Pursuant to 11 U.S.C. § 363(m); and (4) Authorizing*
10 *Payment of Undisputed Liens, Real Estate Broker's Commissions and Other Ordinary*
11 *Costs of Sale; Memorandum of Points and Authorities; Declarations of Wesley H. Avery,*
12 *Miranda Gilbert, Barbara Ann Carroll and Hugh Randolph Carroll in Support ("Motion")*
13 *filed by Wesley H. Avery, the duly qualified, appointed, and acting Chapter 7 Trustee*
14 *("Trustee") of the bankruptcy estate ("Estate") of the above-captioned Debtor ("Debtor").*

15 PLEASE TAKE FURTHER NOTICE that through the Motion, the Trustee seeks an
16 order approving the sale ("Sale") of the Estate's right, title and interest in real property
17 located at 20635 Appaloosa Trail, Crosby, Texas 77532-3258 ("Property"), on the terms
18 and conditions stated in the written offer titled *One to Four Family Residential Contract*
19 *(Resale), Addendum for Property Subject to Mandatory Membership in a Property Owners*
20 *Association, and Residential Purchase Agreement Addendum* (together, "Purchase
21 Agreement") attached to the Motion as **Exhibit 6**, and incorporated herein by reference, to
22 Barbara Ann Carroll and Hugh Randolph Carroll (together, "Buyer") for \$70,000.00, cash,
23 or to any person or entity who appears at the hearing on the Motion and submits a higher
24 acceptable bid in accordance with the Trustee's proposed overbid procedures.

25 PLEASE TAKE FURTHER NOTICE that as part of the Motion, the Trustee seeks
26 an order approving the Sale free and clear of any liens, claims, and interests, with said
27 liens, claims, and interests to attach to the sales proceeds in the same manner and
28

1 priority as under applicable law. The Property is being sold on an “as is, where is” basis,
2 with no warranties, recourse, contingencies, or representations of any kind.

3 **PLEASE TAKE FURTHER NOTICE** that the Trustee also seeks an order
4 (i) confirming the Sale to the Buyer or to the highest bidder appearing at the hearing and
5 approving the Trustee's proposed overbid procedures; (ii) determining that the Buyer or
6 the successful bidder is entitled to 11 U.S.C. § 363(m) protection; and (iii) waiving the
7 fourteen (14) day stay prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy
8 Procedure.

9 **PLEASE TAKE FURTHER NOTICE** that the Trustee listed the Property for sale at
10 \$70,000.00. Approximately three potential buyers have toured the Property. The
11 Trustee's agent has received and responded to approximately two inquiries from agents
12 and approximately four inquiries from prospective buyers. The Trustee has received one
13 other offer to purchase the Property besides the offer of the Buyer.

14 **PLEASE TAKE FURTHER NOTICE** the Trustee does not expect any capital gains
15 taxes will be generated from a sale of the Property.

16 **PLEASE TAKE FURTHER NOTICE** that as further detailed in the Motion, the
17 Trustee proposes the following **OVERBID PROCEDURES** for the purchase of the
18 Property:

19 **PROPOSED OVERBID PROCEDURES**

20 The proposed Sale to the Buyer is subject to approval of the United States
21 Bankruptcy Court and to qualified overbids. The Buyer has offered to purchase the
22 Property for \$70,000.00 ("Purchase Price"), \$700.00 of which has been tendered, with the
23 balance to be tendered upon Close of Escrow (as defined in the Purchase Agreement).
24 As noted above, however, the sale of the Property is subject to overbid pursuant to the
25 following proposed overbid procedures ("Overbid Procedures"):

- 26 1. Qualifying bidders ("Qualifying Bidder") shall:
27 a. Bid at least \$80,000.00 in cash for the Property;
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b. Set forth in writing the terms and conditions of the offer that are at least as favorable to the Trustee as those set forth in the Purchase Agreement attached as **Exhibit 6**;

c. Be financially qualified, in the Trustee's exercise of his sound business judgment, to close the sale as set forth in the Purchase Agreement;

d. Submit an offer that does not contain any contingencies to closing the sale, including, but not limited to, financing, inspection, or repair contingencies;

e. Submit a cash deposit in the amount of \$10,700.00 ("Overbid Deposit") payable to Wesley H. Avery, Chapter 7 Trustee for the Bankruptcy Estate of Kenneth C. Chew, in the form of a cashier's check, which Overbid Deposit shall be non-refundable if the bid is deemed to be the Successful Bid, as defined in paragraph 4 below. The Overbid Deposit, written offer, and evidence of financial qualification must be delivered to the Trustee's counsel (at the address shown in the upper left hand corner of the first page of the Motion) no later than 48 hours before the hearing on the Motion.

2. At the hearing on the Motion, only the Buyer and any party who is deemed a Qualifying Bidder shall be entitled to bid.

3. Any incremental bid in the bidding process shall be at least \$5,000.00 higher than the prior bid.

4. At the hearing on the Motion and upon conclusion of the bidding process, the Trustee shall decide, subject to Court approval, which of the bids is the best bid, and such bid shall be deemed to be the "Successful Bid." The bidder who is accepted by the Trustee as the successful bidder ("Successful Bidder") must pay all amounts reflected in the Successful Bid in cash at the closing of the sale. At the hearing on the Motion, and upon conclusion of the bidding process, the Trustee may also acknowledge a back-up bidder ("Back-Up Bidder") which shall be

1 the bidder with the next best bid. Should the Successful Bidder fail to close escrow
2 on the sale of the Property, the Trustee may sell the Property to the Back-Up
3 Bidder without further Court order.

4 5. Overbids shall be all cash and no credit shall be given to the
5 purchaser or overbidder(s).

6 **PLEASE TAKE FURTHER NOTICE** that the Motion is made pursuant to 11 U.S.C.
7 § 363(b)(1), and Federal Rules of Bankruptcy Procedure 6004 and 6006 on the grounds
8 that, based on the Trustee's sound business justification, the Trustee believes the sale of
9 the Property as set forth herein is in the best interests of the Estate. After solicitation of
10 offers for the Property over the past few weeks, the current offer from the Buyer is the
11 best viable offer received to date. Moreover, the Overbid Procedures provide a process
12 by which the Trustee could secure a higher price for the Property.

13 **PLEASE TAKE FURTHER NOTICE** that any response to the Motion must conform
14 with Local Bankruptcy Rule 9013-1(f)(1), must be filed with the Bankruptcy Court no less
15 than 14 days prior to the above hearing date, and must be served no less than 14 days
16 prior to the above hearing date on the Trustee's counsel at the address noted in the top
17 left corner of the first page of this Notice. Pursuant to Local Bankruptcy Rule 9013-1(h),
18 the failure to timely file and serve an opposition to the Motion may be deemed by the
19 Court to be consent to the relief requested in the Motion.

20 Dated: November 20, 2019

WEILAND GOLDEN GOODRICH LLP

21 By: /s/ David M. Goodrich
22 David M. Goodrich
23 Attorneys for Chapter 7 Trustee
24 Wesley H. Avery
25
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**650 Town Center Drive, Suite 600
Costa Mesa, California 92626**

A true and correct copy of the foregoing document entitled (*specify*): Notice of Hearing on Motion for Order: (1) Authorizing Sale of Real Property Free and Clear of Liens, Claims, and Interests Pursuant to 11 U.S.C. §§ 363(b) and (f); (2) Approving Overbid Procedures; (3) Approving Buyer, Successful Bidder, and Back-up Bidder as Good-Faith Purchaser Pursuant to 11 U.S.C. § 363(m); and (4) Authorizing Payment of Undisputed Liens, Real Estate Broker's Commissions and Other Ordinary Costs of Sale

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) November 20, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) November 20, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Julia W. Brand
United States Bankruptcy Court
255 E. Temple Street, Suite 1382 / Courtroom 1375
Los Angeles, CA 90012

☒ Service information continued on attached page

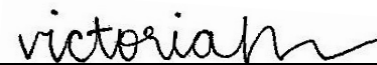
3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) November 20, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/20/2019
Date

Victoria Rosales
Printed Name


Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Wesley H Avery (TR) wes@averytrustee.com, C117@ecfcbis.com; lucy@averytrustee.com; isabel@averytrustee.com
Sean C Ferry sferry@rasflaw.com, sferry@ecf.courtdrive.com
David M Goodrich dgoodrich@wgllp.com, vrosales@wgllp.com; kadele@wgllp.com
David Jacob david@dpjacob.com
Misty A Perry Isaacson misty@ppilawyers.com, ecf@ppilawyers.com; perryisaacsonmr51779@notify.bestcase.com
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
Jennifer H Wang jwang@cookseylaw.com, jwang@ecf.courtdrive.com

SERVED BY UNITED STATES MAIL:

Kenneth C. Chew
4838 Petit Ave.
Encino, CA 91436

First American Title
Attn: Amber Monk
Escrow Processor/Funder
5623 Main Street, Suite C
Crosby, TX 77532

JLA Realty
Attn: Miranda Gilbert
5332 FM 1960 East, Suite C
Humble, Texas 77346

Brian Parsons
Keller Williams Realty
251 S. Lake Ave., Ste. 150
Pasadena, CA 91101

Ms. Mae F. Chew
16638 Celtic Street
Granada Hills, CA 91344

Ms. Mae F. Chew
1473 10th Street
Los Osos, CA 93402

Ms. Mae F. Chew
1510 11th St.
Los Osos, CA 93402

Ms. Mae F. Chew
c/o Avi Levy, Esq.
Trabolsi & Levy, LLP
9255 W Sunset Blvd, Ste 720
West Hollywood, CA 90069-3304

Best Alliance Foreclosure and Lien Services
16133 Ventura Blvd., Suite 700
Encino, CA 91436-2406

BOBS, LLC
600 S. Spring Street, Suite 106
Los Angeles, CA 90014-1979

Ford Motor Credit

PO Box 542000
Omaha, NE 68154-8000

Ford Motor Credit Company
PO Box 62180
Colorado Springs, CO 80962-2180

Franchise Tax Board
Bankruptcy Section MS A340
PO Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
300 N. Los Angeles St., Stop 5022
Los Angeles, CA 90012-3478

JCP, LP
Rediger Investments
c/o Denis Rediger
500 E. Olive Avenue
Burbank, CA 91501-2180

JCP, LP
c/o Misty Perry Isaacson
PAGTER AND PERRY ISAACSON
525 N. Cabrillo Park Drive, Suite 104
Santa Ana, CA 92701-5017

Ocwen Loan Servicing
PO Box 24738
West Palm Beach, FL 33416-4738

Olympia Financial
16633 Ventura Blvd., Suite 1050
Encino, CA 91436-1864

Total Lender Solutions, Inc.
10951 Sorrento Valley Road, Suite 2F
San Diego, CA 92121-1613

Menchaca & Company LLP
835 Wilshire Blvd., Suite 300
Los Angeles, CA 90017-2655

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**650 Town Center Drive, Suite 600
Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 11/20/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

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Hon. Julia W. Brand
United States Bankruptcy Court
255 E. Temple Street, Courtroom 1375
Los Angeles, CA 90012

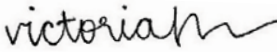
☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* 11/20/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/20/2019 Victoria Rosales
Date *Printed Name*


Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Wesley H Avery (TR) wes@averytrustee.com,
C117@ecfcbis.com;lucy@averytrustee.com;lsabel@averytrustee.com
Sean C Ferry sferry@rasflaw.com, sferry@ecf.courtdrive.com
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Jennifer H Wang jwang@cookseylaw.com, jwang@ecf.courtdrive.com